

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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THERESA E. DEAN, *individually and as parent  
and natural guardian for J.D.J.*,

Plaintiff,

v.

**ORDER**  
07-CV-94S

SCHOOL DISTRICT OF THE CITY OF  
NIAGARA FALLS, N.Y., et al.,

Defendants.

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1. Plaintiff commenced this civil rights action against Defendants on February 21, 2007. (Docket No. 1.) On May 2, 2008, Defendants filed a Cross Motion for Summary Judgment (Docket No. 31), which this Court referred to the Honorable Leslie G. Foschio, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), on May 20, 2008 (Docket No. 34).

2. On March 12, 2009, Judge Foschio filed a Report and Recommendation, in which he recommends that Defendants' Cross Motion for Summary Judgment be denied. (Docket No. 43.)

3. On April 6, 2009, Defendants filed Objections to Judge Foschio's Report and Recommendation (Docket No. 47), to which Plaintiff responded on April 16, 2009 (Docket No. 49).

4. Having carefully reviewed the Report and Recommendation, the pleadings and materials submitted by the parties, and Defendants' objections, this Court will accept Judge Foschio's recommendation in its entirety. Accordingly, Defendants' Cross Motion for Summary Judgment will be denied.

IT HEREBY IS ORDERED, that this Court accepts Judge Foschio's Report and Recommendation (Docket No. 43) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendants' Objections (Docket No. 47) are DENIED.

FURTHER, that Defendants' Cross Motion for Summary Judgment (Docket No. 31) is DENIED for the reasons stated in Judge Foschio's Report and Recommendation.

SO ORDERED.

Dated: May 3, 2009  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge